



# BRIDGING THE WAGE GAP FACT SHEET

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**Bill Numbers: S983; H1733**

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## THE PROBLEM - THE NEED FOR PAY EQUALITY FOR WOMEN:

- ❑ Women in Massachusetts make up almost half the workforce. Women who work full time earn approximately 80.8% of what men who work full time earn.
- ❑ As of 2013, 40% of households with children under 18 included mothers who were either the sole or primary breadwinner for the family, up from 11% in 1960. In addition, 57% of low-wage workers in Massachusetts are women.
- ❑ Women of color are most affected by the wage gap with African American women earning 66 cents for every dollar earned by men and Latina women earning 54 cents for every dollar earned by men.
- ❑ The pay gap does not exclusively affect women. Black and African American workers earn only 78 cents for every dollar earned by white men. Hispanic and Latino workers earn only 72 cents for every dollar earned by white men.
- ❑ The wage gap, magnified over the course of a lifetime of earnings, can have a serious impact on the economic security of women. Since women live longer than men, lower wages makes it even harder to be self-sufficient throughout retirement.

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## THE SOLUTION – BRIDGE THE WAGE GAP IN 3 WAYS:

(1) **EQUAL PAY FOR COMPARABLE WORK:** This bill clarifies terminology in the existing law to effectively implement equal pay for comparable work.

(2) **PAY TRANSPARENCY:** This bill permits employees to discuss their salaries with other employees without the threat of discipline. Pay transparency enables companies to resolve unwarranted disparities in compensation without employees filing complaints or lawsuits. The U.S. Department of Labor has found that pay transparency can decrease discrimination and investigations, saving companies time and money.

(3) **FAIRNESS IN HIRING PRACTICES AROUND WAGES:** This bill requires employers when advertising jobs to include the minimum the job pays and prohibits employers from paying wages less than what is advertised. It also prohibits employers from seeking salary history from job applicants, employees or from another entity during the hiring process without an employee's written authorization.

For further information, please contact Tim Snyder (tim.snyder@masenate.gov, 617-722-1578), or Caitlin Duffy (caitlin.duffy@mahouse.gov, 617-722-2011)

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# The Equal Pay Bill

## BILL SUMMARY

### *AN ACT TO ESTABLISH PAY EQUITY*

#### SECTION 1

Amends the current Massachusetts Equal Pay Act (MEPA), M.G.L. c. 149, § 105A, as follows:

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SUBSECTION (a) clarifies the current comparable work standard by stating that the comparability of comparable jobs is to be based solely on comparable skill, effort, responsibility and working conditions. Subsection (a) clarifies that compensation includes wages, benefits and other compensation.

SUBSECTION (b) adds pay transparency language to prohibit employers from disciplining employees for discussing their own wages or wages of coworkers, and prohibits employers from maintaining confidentiality policies that cover compensation.

SUBSECTION (c) requires employers to post a notice about pay transparency obligations.

SUBSECTION (d) is the remedy section, which extends the statute of limitations from one to three years.

SUBSECTION (e) adds a rebuttable presumption to claims of discrimination in gender-segregated jobs to protect employers that conduct self-evaluations of workplace job classifications and wage rates.

SUBSECTION (f) delegates authority to the Attorney General to issue regulations to implement and enforce the MEPA.

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#### SECTION 2

Amends the state anti-discrimination statute, M.G.L. c.151B, to add provisions requiring employers when advertising jobs to include the minimum the job pays, making it unlawful for an employer to pay wages less than the amount advertised in a job posting; making it unlawful for an employer to use salary history in hiring; incorporating the pay transparency provisions of MEPA as a violation of Chapter 151B.

#### SECTIONS 3 & 4

Provide that attorneys' fees can be awarded to a prevailing plaintiff for violation of this Act in the absence of compensatory damages.

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